

## **Alligator**

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FEDERAL COMMUNICATIONS COMMISSION

18 April, 1997

Mr. William F. Caton, Acting Secretary  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of )  
 )  
Amendment of the Commission's Rules ) WT Docket No. 97-81  
Regarding Multiple Address Systems )

### COMMENTS

Alligator Communications, Inc. is a Manufacturer of Multiple Address Systems. As such, we will benefit from any decision by the Commission that allows the promulgation of MAS Licenses. The following comments on various proposals by the Commission, contained in Docket No. 97-81, are the result of observations made during our constant contact with users, and potential users, of MAS.

Alligator Communications is in daily contact with Public Utilities, Petroleum & Gas Producers, Pipeline Operators, and Railroads, more than half of who are searching for Part 101 frequencies which would enable the implementation of MAS to convey pertinent data, (much of that data required by Federal Regulations). As recognized by the Commission, this data is essential in promoting fuel savings and increased efficiency.

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We have watched hopes for increased availability of frequencies soar with the Commissions acceptance of applications for spectrum in the 932/941MHz band; and we have observed those hopes replaced by a feeling of deprivation as the years of inactivity have passed. As stated supra, our Comments reflect our Observations.

par. 13: In this age of "Corporate Outsizing" , it is noteworthy that many Utilities are currently retaining contractors to License, Install, and Operate MAS, to perform certain specific functions, entirely within, and for the exclusive use of, the Utility. In reality, the use of the License, and of the MAS spectrum, is solely for "internal use", and is inappropriately labeled "subscriber-based service."

par. 15, 17 & 20: We acknowledge that while Utilities operating MAS within an "Economic Area" frequently occupy a 25-mile service area, we would point out that the same Utility will just as frequently exceed 25 miles to obtain data from rural reservoirs, snow depth and rain fall figures upstream of the reservoir, and meter stations for water, gas or electric sales to surrounding suburban and rural providers. Rural Electric Associations, Generating and Transmission Providers, Pipelines and Railroads, by Corporate structure and Geographic Responsibility. will

always exceed the 25-mile service area; in, and around,  
any "Economic Area"

par. 39: We feel it unconscionable to allow a licensee  
five years to construct a MAS capable of serving 20 % of  
its assigned area. Our observation is that while 12  
months has been sufficient time for serious licensees to  
achieve service, we agree with the Commissions most recent  
decision to allow a eighteen month construction period.

par. 40: Alligator Communications has observed that the  
collection of data from four or more remote points, via  
MAS, has most frequently been accomplished at a relatively  
slow data rate (at or below 4800 BPS). We therefore  
submit that the Commissions decision to channelize at 12.5  
kHz was, and remains, proper and correct. We do  
acknowledge that after data has been collected from a  
large number of "remote points", or when large amounts of  
data are collected from a single point, it is more  
efficient to move this data at a higher data rate, via a  
wider bandwidth. For this purpose, we agree with the  
Commissions designation of Point-To-Point frequencies as  
listed in Part 101. We submit that there are appropriate  
channels for each use, but that there is not a sufficient  
quantity of channels to serve potential eligible  
licensees.

par. 42: The Commission suggests "lifting the operational restriction on for-profit third party providers" and "licensees should have the ability to provide consumers a wide array of services" ? Elsewhere in this Docket the Commission suggests that the demand for licenses is so great as to require an auction of the few to the many. The law of supply and demand suggests that the Commission either create additional MAS channels, or, create a more restrictive eligibility to reduce the number of applicants.

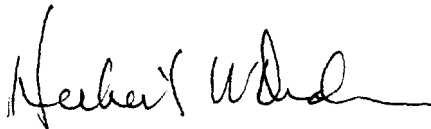
par. 49: For over fifteen years, large Corporate entities, serving an equally large customer base have recognized the need to utilize Automation and MAS Communications to expedite the transfer of data, and effect a reduction in the consumption of energy while increasing efficiency. Their very size has provided the financial capability to implement these technical advancements. As technical progress has reduced the cost of Automation, smaller and less affluent Corporations can now enjoy the benefits of this Automation. However, in the ensuing period of years, availability of MAS channels has been eroded, and these companies are unable to utilize the automation that they can now afford.

We feel that it is unfair for the Commission to now say that additional Communications channels are now available, but only to the "highest bidder" of an expanded number of eligible bidders.

In the past, the Commission has seen fit to offer reduced Application Fees to non-profit and municipal utilities.

To now place these same entities into what will be an intensely competitive bidding competition is not in keeping with the Commissions past handling of the "publics airwaves"

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'Herbert N. Didier', with a stylized, flowing script.

Herbert N. Didier

Marketing Director